

**Application No.:** 10/584,426  
**Filing Date:** May 23, 2007

## **REMARKS**

In response to the Office Action mailed August 12, 2009, Applicant respectfully requests the Examiner to reconsider the above-captioned Application in view of the foregoing amendments and the following remarks.

### ***Summary of the Office Action***

In the August 12, 2009 Office Action, Claims 1-19 stand rejected. Claims 1-6 and 11-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,549,475 issued to Duerr et al. (hereinafter “Duerr”) in view of U.S. Patent No. 5,947,733 issued to Sutter et al. (hereinafter “Sutter”). Next, Claims 7-10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duerr in view of Sutter as applied to Claims 1 or 2 above, and further in view of U.S. Patent No. 5,458,488 issued to Chalifoux (hereinafter “Chalifoux”). Further, Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Duerr in view of Sutter. Furthermore, Claims 1 and 7 stand rejected under 35 U.S.C. § 112, second paragraph. Finally, Claim 12 stands rejected under 35 U.S.C. § 112, first paragraph.

### ***Summary of the Amendment***

By this paper, Applicant has amended Claims 1, 2, 7, and 11-13, added new Claims 20-21, and canceled Claim 16. Accordingly, Claims 1-15 and 17-21 are currently pending in the present Application. By this paper, Applicant responds to the Examiner’s comments and rejections made in the August 12, 2009 Office Action. Applicant respectfully submits that the present Application is in condition for allowance.

### ***In re Rejection of Claims 1 and 7 under 35 U.S.C. § 112, Second Paragraph***

In the Office Action, Claims 1 and 7 stand rejected under 35 U.S.C. § 112, second paragraph, and specifically for failing to provide proper antecedent basis for “the second sleeve-shaped part” and “the fastening member.” Applicant has amended Claims 1 and 7 to provide proper antecedent basis for these terms. Accordingly, Applicant respectfully requests that the rejection of Claims 1 and 7 be withdrawn.

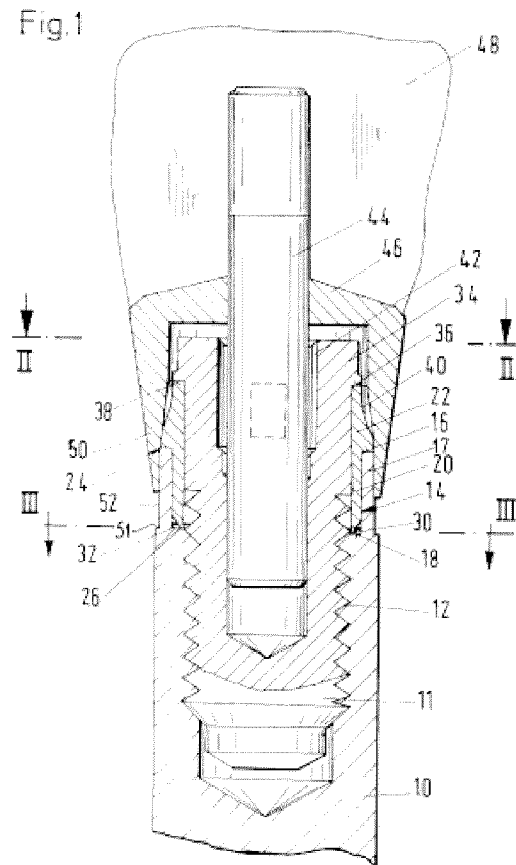
*In re Rejection of Claim 12 under 35 U.S.C. § 112, First Paragraph*

In the Office Action, Claim 12 stands rejected under 35 U.S.C. § 112, first paragraph. Applicant has amended Claim 12 to correctly identify the structure discussed in the specification of the present Application. Applicant respectfully submits that Claim 12 is fully supported by the specification. Accordingly, Applicant respectfully requests that the rejection of Claim 12 be withdrawn.

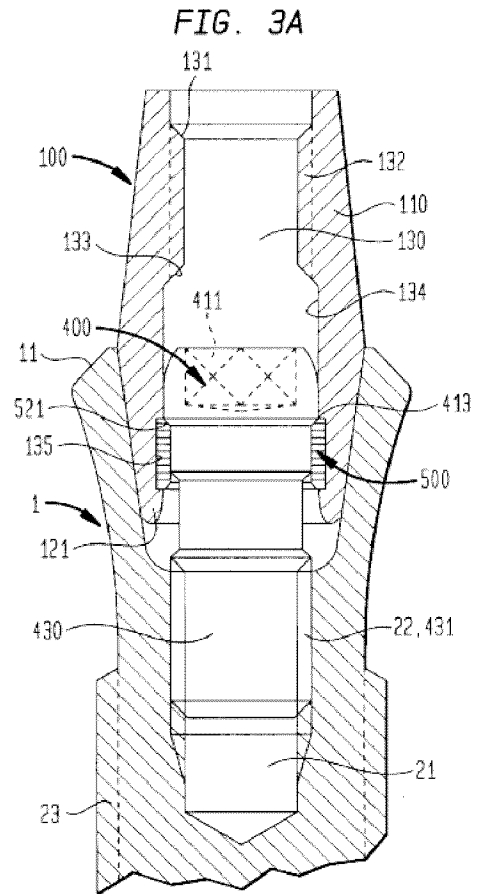
*In re Rejection of Claims 1 and 2 under 35 U.S.C. § 103(a), Based on Duerr and Sutter*

In the Office Action, Claims 1-2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duerr in view of Sutter. While Applicant reserves the right to prosecute Claims 1-2 as originally filed, Applicant amended Claims 1-2 in order to expedite prosecution of this Application. Accordingly, Applicant respectfully requests that the rejection of Claims 1-2 be withdrawn and that these claims be indicated as allowable over the art of record.

Referring to Figure 1 at right, Duerr is directed to an implant body 10 that receives a centering collar of a spacing sleeve 22 and a threaded inner sleeve 34. *See* Duerr, col. 3, line 58 to col. 4, line 26. The inner sleeve 34 has a shoulder 36 that contacts the sleeve 22 and axially presses the sleeve 22 into a fixed rotational position. *See id.* at col. 4, lines 28-39 and Figure 3. Thus, the spacing sleeve 22 is merely held in a fixed rotational position and pinned between the body 10 and the inner sleeve 34. Further, a ring hood 46 is slid over the body 10, the spacing sleeve 22, and the inner sleeve 34, and cement is used to adhesively bond the hood 46 to the assembly. *See id.* at col. 4, lines 54-63. Accordingly, as noted in the Office Action, the sleeve 22 does not affect the position or otherwise interact or engage with the ring hood 46.



The secondary reference, Sutter, is directed to a connection arrangement between an implant 1 and an abutment 100 which comprises a threaded screw 400 and an expandable ring 500, as shown at right. The expandable ring 500 is placed onto the screw 400 and pushed into a bore of the abutment 100. The ring 500 sits in a recess 135 of the abutment 100 and expands in the recess 135 of the abutment 100 once the screw 400 is tightened onto the implant 1. As understood, when the screw 400 is at least partially or fully threaded into the implant 1, the ring 500 prevents removal of the abutment 100 from the implant 1 whether the ring is expanded or not. In short, this is due to the axial interference caused between the ring 500 and the recess 135 of the abutment 100. Accordingly, once the screw is placed, the abutment is fixed in place (whether tight or not, it is not removable).



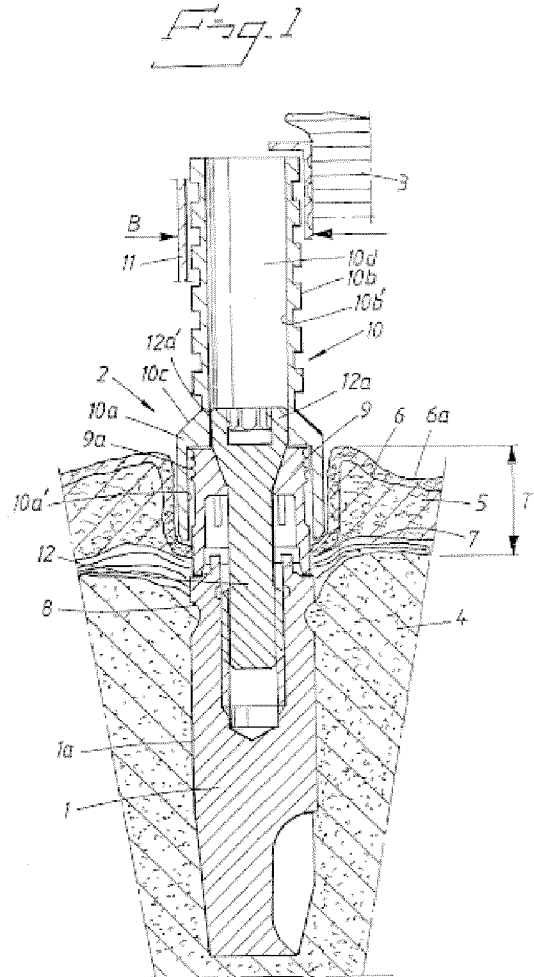
Thus, assuming *arguendo* that the combination proposed in the Office Action is proper, and assuming *arguendo* that the combination of Duerr and Sutter would comprise an expandable component that causes engagement between the abutment and the implant once the screw is inserted and fastened to the implant, Applicant notes that Duerr and Sutter both teach that the abutment is fixed to the implant. In Duerr, the implant is adhesively bonded to the implant using a cement. *See* Duerr, col. 4, lines 54-63. In Sutter, the abutment is axially fixed due to the interference fit of the ring within the recess of the abutment. Thus, in the proposed combination, the abutment would be fixed to the implant upon attachment of the screw to the assembly.

In contrast, Claim 1 recites a method for orienting a bridge in position relative to a dental implant comprising, *inter alia*, “attaching a bridge to a second portion of the second sleeve-shaped part; and removing the bridge along with the second sleeve-shaped part with the first sleeve-shaped part remaining attached to the implant.” Further, Claim 2 recites an arrangement for orienting a bridge in position relative to a dental implant comprising, *inter alia*, a second

sleeve-shaped part “comprising an inner surface configured to mate against an outer surface of the first sleeve-shaped part such that the second sleeve-shaped part is secured to the first sleeve-shaped part,” wherein “the outer surface of the first sleeve-shaped part is expanded against the inner surface of the second sleeve-shaped part . . . for securing the second sleeve-shaped part to the first sleeve-shaped part; and wherein the second sleeve-shaped part comprises a portion that engages with a fastening member of the bridge for separating the second sleeve-shaped part from securement with the first sleeve-shaped part.”

Applicant respectfully submits that both Duerr and Sutter fail to teach at least the above-noted features of Claims 1 and 2.

Figure 2 of the Applicant's Application, shown at right, illustrates an embodiment within the scope of Claims 1 and 2. The illustrated embodiment is configured with “expansion of the at least a portion of the first-sleeve shaped part for securing the second sleeve-shaped part to the first sleeve-shaped part.” As shown, the head 12a of the screw 12 contacts the first sleeve-shaped part 9 to cause it to expand outwardly while the second sleeve-shaped part 10 is fitted on top of the first sleeve-shaped part 9. In this manner, the outer surface of the first sleeve-shaped part is expanded against the inner surface of the second sleeve-shaped part to secure the second sleeve-shaped part to the first sleeve-shaped part. Further, when the fastening member 11 of the bridge 3 is anchored to the second sleeve-shaped part 10, the second sleeve-shaped part 10 can follow along with the bridge 3 and be separated from the first sleeve-shaped part 9 when the bridge 3 is removed.



The method and structure recited in Claims 1-2 provide advantages such as reducing the number of parts in the assembly or arrangement and facilitating the interaction and engagement

between the implant arrangement and the bridge. *See* Applicant's Application Publication, ¶¶ [0013]-[0015]. The arrangements taught in Duerr and Sutter do not allow the abutment to be removed while the screw and ring are still fastened to the implant. The function of Duerr and Sutter are distinct from the method and arrangement for orienting a dental bridge, as recited in Claims 1-2. A contrary interpretation of these references would destroy the purpose and function of these references. Accordingly, the method and arrangement of Claims 1-2 are not taught or otherwise provided in Duerr and Sutter.

Therefore, for at least these reasons, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 1-2 and indicate at that these claims are allowable over the art of record.

***In re Rejection of Claims 3-6 and 11-18 under 35 U.S.C. § 103(a), Based on Duerr and Sutter***

In the Office Action, Claims 3-6 and 11-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duerr in view of Sutter. Applicant respectfully traverses this rejection and submits that Claims 3-6 and 11-18 should be allowable based on their own merit and for at least the reason that these claims depend from allowable independent base claims, Claims 1 and 2. Accordingly, Applicant respectfully requests that the rejection of Claims 3-6 and 11-18 be withdrawn and that these claims be indicated as allowable over the art of record.

***In re Rejection of Claims 7-10 and 12 under 35 U.S.C. § 103(a), Based on Duerr in view of Sutter, and further in view of Chalifoux***

In the Office Action, Claims 7-10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duerr in view of Sutter as applied to Claim 1 or 2 above, and further in view of Chalifoux. Applicant respectfully traverses this rejection and submits that Claims 7-10 and 12 should be allowable based on their own merit and for at least the reason that these claims depend from an allowable independent base claim, Claim 2. Accordingly, Applicant respectfully requests that the rejection of Claim 7-10 and 12 be withdrawn and that these claims be indicated as allowable over the art of record.

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***In re Rejection of Claim 19 under 35 U.S.C. § 103(a), Based on Duerr in view of Sutter, and  
further in view of Chalifoux***

In the Office Action, Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Duerr in view of Sutter as applied to Claim 18 above, and further in view of Lazarof. Applicant respectfully traverses this rejection and submit that Claim 19 should be allowable based on its own merit and for at least the reason that this claim depends from an allowable independent base claim, Claim 19. Accordingly, Applicant respectfully requests that the rejection of Claim 19 be withdrawn and that this claim be indicated as allowable over the art of record.

***New Claims 20-21***

Applicant hereby submits new Claims 20-21 for consideration which are fully supported by the specification as originally filed. *See* Present Application, at least ¶ [0015] and Figure 2. Thus no new matter has been introduced. These claims are dependent claims that depend from Claim 2 and 20 respectively, and thus are believed to be allowable not only because they depend from allowable independent base claims, but also on their own merit. Accordingly, Applicant respectfully requests that the Examiner indicate that Claims 20-21 are allowable over the art of record.

***No Disclaimers or Disavowals***

Although the present communication may include alterations to the Application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this Application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this Application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present Application.

### **CONCLUSION**

Applicant respectfully submits that the above rejections and objections have been overcome and that the present Application is now in condition for allowance. Therefore, Applicant respectfully requests that the Examiner indicate that Claims 1-15 and 17-21 are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully submits that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present Application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicant also has not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit further indicia of non-obviousness.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 12, 2010

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